

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
July 15, 2003

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, July 15, 2003, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Walter C. Zaremba was absent.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor M. A. Truckenmiller, Breakthrough Worship Center, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss matters of interest to the Board of Supervisors. He stated that VDOT will be busy with projects in the next 30 days that include: overlay work on Victory Boulevard; intersection improvements at Routes 17/630 and Routes 171/17; Route 17 and Dare Road; Route 17 and Grafton Drive; Routes 238 and 17; and the installation of a left-turn lane on Route 17 near Grafton Dodge. He reported that the dual left-turn lanes at Denbigh Boulevard and Route 17 were open and that repairs to Old Pond Road and Route 134 have been completed. VDOT will be meeting with CSX to discuss railway improvements to Wolftap Road, milling out Route 238, and making improvements to Dogwood Road and Tinnette Drive. He stated that Cary's Chapel Road and Mansion Road will be repaired, and Wilson Drive will be looked at. He indicated the timing concerns at the intersection of Routes 17 and 134 had been forwarded to the Traffic Division for review.

Mr. Shepperd thanked the VDOT crews for repairs, but he noted the new paving on Calthrop Neck Road has become damaged.

Mrs. Noll thanked Mr. Hicks for the work on Hampton Highway and First Street.

Mr. Wiggins thanked Mr. Hicks for the dual left-turn lanes on Denbigh Boulevard. He discussed drainage problems within older subdivisions, and he asked that VDOT look into installing a culvert in the Rosewood Drive and Goodwin Neck Road area.

Chairman Burgett asked Mr. Hicks to check on Burcher Road where the rainwater had undermined the road resulting in a large portion being taken out. He noted it would eventually have to be paved.

PRESENTATIONS

YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed the following newly appointed members to York County's Boards and Commissions, and presented them with handbooks and York County pins:

Eva J. Williamson
Judith A. Cash
Charles L. Mitri

Parks and Recreation Advisory Board
Colonial Services Board
Library Board

NEW QUARTER PARK

Mrs. Anne Smith, Director of Community Services, gave a presentation on the planning and development efforts for New Quarter Park. She stated the technical work has been approved, and the environmental and archaeological studies were complete which provide an excellent plan for the particular improvements previously authorized by the Board. She noted the improvements include picnic shelters, playground equipment, trails, an office and storage building, and additional parking.

Ms. Cheryl Sonderman, Parks and Recreation Manager, also appeared to outline some of the procedures and actions taken in the development process. She discussed results of the development process and provided pictures of the proposed mountain bike trails, pedestrian bike paths, and walking trails.

Discussion followed with Ms. Sonderman and Mr. Tim Hogan, a representative from Vanasse, Hangen & Brustlin, engineering consultants, regarding the Supervisors' concerns with park capacity and biking/walking trails.

CITIZENS COMMENT PERIOD

Ms. Jeanette Carter, 819 Baptist Road, appeared to discuss concerns with her rental property, and with the many trees falling on her land from the adjacent watershed property. She stated her house was leaking due to trees falling on the house, and she asked if she could cut the trees down.

Ms. Marsha Brown, 213 Nelson Street, shared her concerns about the proposed Architectural Review Board's guidelines, and expressed an interest in working with the County to determine the options for those citizens living in the Yorktown Village.

Ms. Helen Sun, a representative for FaLun Gong, appeared before the Board to raise awareness of the FaLun Gong practice. She explained the doctrine and stated it was not a religion. Its beliefs are truthfulness, compassion, spiritual and tolerance. She shared information on the Chinese government's persecution of FaLun Gong practitioners.

Mr. Yanjin Zhang, Assistant Professor at Eastern Virginia Medical School, also appeared to enlighten the Board about FaLun Gong and report on the controversy surrounding the practice. He explained that many local residents had been harassed by Chinese diplomats in the United States. He requested the Board issue a Proclamation or Resolution to support efforts to stop persecution of practicing FaLun Gong members.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated he would be on vacation beginning next week and suggested the Board contact Ms. Carla Hook, Assistant County Attorney, if assistance was needed from the office during the next two weeks.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reported on the Surry Nuclear Power Plant exercise involving the Department of Public Safety. He stated all reports indicate it was a very successful exercise. He reminded the Board of its regular meeting on August 5 and a work session on August 12 to discuss personnel and procurement policies.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll provided information and the website for the Commission on the Revision of Virginia State Tax Code and the Streamline Sales Tax Project Agreement. She stated the tax code was antiquated and needed help, and she pointed out the projected biennium shortfall is \$900,000,000. She encouraged citizens to stay informed and contact their representatives. She announced that Health and Human Services had given a \$990,000 grant to the State of Virginia, which will provide a local organization, Hampton Roads Healthy Marriages Coalition, with funding.

Chairman Burgett commented that the 4th of July celebration was outstanding, and he recognized staff for its help. He reported how well organized the household chemical collection program was at the landfill. He described how nice Route 17 looked, and he mentioned that the Revitalization Committee was busy in its efforts to beautify the road. He stated the Board would continue to offer its support to the committee to get the job done.

Meeting Recessed. At 7:54 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:00 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS**APPLICATION NO. UP-618-03, ALLTEL COMMUNICATIONS, INC.**

Mr. Carter gave a presentation on Application No. UP-618-03 to approve a use permit authorizing a 150-foot self-supporting communications tower with associated ground-mounted equipment within a leased area located at 715 Lakeside Drive. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R03-119.

Mrs. Noll stated she was concerned about the tower color, and she asked if the Federal Aviation Administration would require strobe lighting.

Mr. Carter stated the tower was not directly in the flight path, and he did not feel it would require a bright strobe.

Mr. Shepperd mentioned that towers could have as many as seven providers, and he asked why only three are proposed.

Mr. Carter explained the ability of the tower to support additional users is a function of its height. A 150-foot tower is capable of supporting only three users given the spacing requirements needed.

Mr. Dick Gibson, 105 East High Street, Charlottesville, representing the applicant, stated he was not sure yet if the tower would be required to be lighted, but he explained Alltel's policy to use a dual lighting system with a red strobe for nighttime. He elaborated on Alltel's requirements in searching for a site. He stated the tower would be manufactured to accommodate the number of users at the height indicated.

Chairman Burgett called to order a public hearing on Application UP-618-03 which was duly advertised as required by law. Proposed Resolution R03-119 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A 150-FOOT SELF-SUPPORTING MONOPOLE COM-

MUNICIPATIONS TOWER WITH ASSOCIATED GROUND MOUNTED
EQUIPMENT AT 715 LAKESIDE DRIVE

There being no one present who wished to speak concerning the application, Chairman Burgett closed the public hearing.

Mr. Wiggins then moved the adoption of proposed Resolution R03-119 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AU-
THORIZE A 150-FOOT SELF-SUPPORTING MONOPOLE COM-
MUNICATIONS TOWER WITH ASSOCIATED GROUND MOUNTED
EQUIPMENT AT 715 LAKESIDE DRIVE

WHEREAS, ALLTEL Communications, Incorporated has submitted Application No. UP-618-03, which requests a Special Use Permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize construction of a 150-foot freestanding monopole communications tower with associated equipment on a portion of the parcel located at 715 Lakeside Drive (Route 620) and further identified as Assessor's Parcel No. 30-62; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of July, 2003, that Application No. UP-618-03 be, and it is hereby, approved subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding monopole communications tower with associated equipment on a portion of the 49.0 acre parcel of land located at 715 Lakeside Drive (Route 620) and further identified as Assessor's Parcel No. 30-62.
2. The height of the tower shall not exceed 150 feet, or such maximum height as permitted pursuant to Section 24.1-371, whichever is less.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Preliminary Site Plan, 150' Monopole, ALLTEL Harwood Mills, Yorktown, Virginia," Sheets CUP 1 & CUP 2, dated 4/30/03, amended to 5/29/03, prepared by Kimley-Horn and Associates, Inc. and received by the Planning Division May 30, 2003. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
4. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.

5. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
6. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
7. Prior to site plan approval and satisfactory to the Zoning Administrator and County Attorney, a joint easement as shown on the above noted sketch plan shall be established for the benefit of tower patrons for purposes of ingress, egress, and installation and maintenance of utilities associated with the proposed telecommunications facility. Said easement shall not operate to conflict with ingress/egress easement as required pursuant to proffers associated with Rezoning No. 88-3, approved by the York County Board of Supervisors on March 3, 1988.
8. Advertising and signage on the tower shall be expressly prohibited, except for warning signs or required regulatory signs associated with the operation of the tower or its equipment.
9. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
10. Evergreen planting material shall be installed for screening surrounding the facility as shown on the above referenced sketch plan Sheet CUP-2 and pursuant to Section 24.1-240 et. seq.
11. The existing wooded area located to the west of the proposed tower site and paralleling the subject parcel's western property border as shown on the above referenced sketch plan shall be preserved and maintained for screening purposes.
12. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
 - (2) The County requests, in writing, that the tower be reserved for County use.
13. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
14. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.
15. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County. To facilitate screening of the facility,

green netting of a type and materials acceptable to the Zoning Administrator shall be installed on the fence surrounding the facility.

16. The communication tower shall be gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
17. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower.
18. The communications tower shall be structurally designed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.

In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Shepperd, Burgett
Nay: (0)

YORK COUNTY CODE AMENDMENT: DISPOSING OF ANIMALS ON HIGHWAY RIGHT-OF-WAYS

Mr. Barnett gave a presentation on proposed Ordinance No. 03-23 to amend York County Code relative to the disposal or dumping of companion animals along highway right-of-ways.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 03-23 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 19-5, YORK COUNTY CODE, RELATIVE TO THE DISPOSAL OR DUMPING OF COMPANION ANIMALS ON HIGHWAY RIGHT-OF-WAYS.

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 03-23 which reads:

AN ORDINANCE TO AMEND SECTION 19-5, YORK COUNTY CODE, RELATIVE TO THE DISPOSAL OR DUMPING OF COMPANION ANIMALS ON HIGHWAY RIGHT-OF-WAYS.

BE IT ORDAINED by the York County Board of Supervisors this 15th day of July, 2003, that Section 19-5 of the York County Code be and it is hereby amended to read and provide as follows:

Sec. 19-5. Same—On highway right-of-way or private property.

- (a) No person shall dump or otherwise dispose of solid waste material or a companion animal for the purpose of disposal on a public highway, right-of-way property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.

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- (b) When any person is arrested for a violation of this section and the matter alleged to have been dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the arresting officer may comply with the provisions of section 46.2-936, Code of Virginia in making such arrest.
- (c) When a violation of the provisions of this section has been observed by any person and the matter dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.
- (d) Any sums collected under the terms of this section shall be paid to the county treasurer and credited to the general county fund.
- (e) As used in this section, the term "companion animal" shall be as defined in section 3.1-796.66, Code of Virginia.
- (f) Any person convicted of a violation of this section shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than two hundred fifty dollars (\$250.00) or more than two thousand five hundred dollars (\$2,500.00), either or both. In lieu of the imposition of confinement in jail, the court may order the defendant to perform community service in litter abatement activities.

On roll call the vote was:

Yea: (4) Wiggins, Shepperd, Noll, Burgett
Nay: (0)

VACATION OF SEWER LINE

Mr. Barnett gave a presentation on proposed Resolution R03-113 to authorize the execution of an instrument vacating a portion of a sewer line easement across property of the Virginia Electric and Power Company.

Chairman Burgett called to order a public hearing on proposed Resolution R03-113 which was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN INSTRUMENT VACATING A PORTION OF A
SEWER LINE EASEMENT ACROSS PROPERTY OF VIRGINIA
ELECTRIC AND POWER COMPANY

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R03-113 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN INSTRUMENT VACATING A PORTION OF A
SEWER LINE EASEMENT ACROSS PROPERTY OF VIRGINIA
ELECTRIC AND POWER COMPANY

WHEREAS, by deed recorded in the Clerk's Office of the Circuit Court for the County of York, Virginia, in Deed Book 967, page 844, the County acquired a 20' wide sewer easement across property owned by Virginia Electric and Power Company (Vepco) and identified as York County Tax Map Parcel 24-203, a portion of which easement was subsequently vacated by

instrument dated May 12, 2002, and recorded in the aforesaid Clerk's Office as Instrument No. 020010223; and

WHEREAS, Vepco has requested that the County vacate another portion of the sewer easement in order to accommodate the construction of desired improvements on its property; and

WHEREAS, Vepco has agreed to dedicate an appropriately relocated easement in exchange for a vacation of that portion of the existing easement which will be rendered superfluous by reason of the dedication.

WHEREAS, following a duly advertised public hearing, this Board has determined that it is in the public's interest to vacate a portion of the above-referenced easement.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of July, 2003, that the County Administrator is hereby authorized to execute a deed, such deed to be approved as to form by the County Attorney, vacating a portion of that sewer easement previously conveyed to the County, lying across property identified as York County Tax Map 24-203, which portion of the easement to be vacated is shown as "Easement Lines to be Vacated" on a plat entitled "Plan Showing Re-Alignment of 20' Sanitary Sewer Easement Virginia Electric and Power Company to the County of York," which plat is attached to the County Attorney's Report to the Board of June 17, 2003, provided that Vepco shall simultaneously convey to the County a sewer easement as is also shown on the referenced plat.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Wiggins, Burgett
Nay: (0)

RIGHT OF WAY AGREEMENT FOR UNDERGROUND UTILITY LINES

Mr. Barnett gave a presentation on proposed Resolution R03-118 to authorize the execution of a right-of-way agreement for the underground placement of certain utility lines on property owned by the County along Buckner Street.

Chairman Burgett called to order a public hearing on proposed Resolution R03-118 which is duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A RIGHT OF WAY AGREEMENT FOR THE PLACE-
MENT UNDERGROUND OF CERTAIN UTILITY LINES ALONG
PROPERTY OWNED BY THE COUNTY OF YORK AND ADJOINING
BUCKNER STREET IN YORKTOWN

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R03-118 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A RIGHT OF WAY AGREEMENT FOR THE PLACE-
MENT UNDERGROUND OF CERTAIN UTILITY LINES ALONG
PROPERTY OWNED BY THE COUNTY OF YORK AND ADJOINING
BUCKNER STREET IN YORKTOWN

WHEREAS, this Board deems that the proposed economic redevelopment of Yorktown would be furthered by the placement underground of certain utility lines which are currently located above ground; and

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WHEREAS, Virginia Electric and Power Company, at the County's request, proposes to place underground certain utility lines located along Buckner Street in Yorktown across property owned by the County of York, specifically those parcels having street addresses of 105 Martiau Street, and 110 and 114 Buckner Street; and

WHEREAS, following a public hearing, this Board has determined that the granting to Virginia Electric and Power Company of an appropriate easement for the undergrounding of utility lines across the above-referenced parcels is in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of July, 2003, that the County Administrator is authorized to execute a right of way agreement conveying to Virginia Electric and Power Company a 15' wide easement for the purpose of placing utility lines underground, the location of the easement to be as is shown on a plat attached to the County Attorney's memorandum of June 27, 2003, such right of way agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Shepperd, Burgett
Nay: (0)

MATTERS PRESENTED BY THE BOARD (continued)

Mr. Wiggins explained the difference in road maintenance between counties and cities. He described a narrow road in the Lackey area where developers came in, houses were built, and population and traffic increased. He noted that many people live in that area now, but he explained that it was the State's responsibility to make the road wider. Mr. Wiggins then announced his town meeting to be held July 16 in the Lackey area to discuss subdivision and development issues, road maintenance, mosquito control, litter control, drainage issues, neighborhood beautification, and commercial area development. He urged those from the Lackey area to attend the meeting at the Brown Park Community Center.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, 7, 8, 9 and 10, respectively

On roll call the vote was:

Yea: (4) Wiggins, Shepperd, Noll, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

June 3, 2003, Regular Meeting.
June 10, 2003, Adjourned Meeting.

Item No. 6. MUTUAL AID AGREEMENT: Resolution R03-114

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A MUTUAL AID AND ASSISTANCE AGREEMENT
FOR FIRES, EMERGENCY MEDICAL SERVICES AND SEARCH
AND RESCUE BETWEEN THE NATIONAL PARK SERVICE AND
YORK COUNTY, VIRGINIA

WHEREAS, natural and man-made emergencies occurring on National Park Service Colonial National Historical Park property or in York County, Virginia have the potential to require that the jurisdiction seek additional fire and rescue services beyond those immediately available within its own fire and rescue agency; and

WHEREAS, intergovernmental coordination is essential in managing these emergencies; and

WHEREAS, the National Park Service and York County, Virginia have emergency equipment and personnel which could be beneficial in providing mutual aid assistance to each other during such incidents; and

WHEREAS, any such request for fire and rescue services would be made under the terms of a mutual aid agreement, and would be predicated on the availability of the services requested; and

WHEREAS, such an agreement for mutual aid and assistance for fires, emergency medical services and search and rescue would benefit both the National Park Service and York County, Virginia;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of July, 2003, that the County Administrator is hereby authorized, for and on behalf of the County, to execute an Agreement for Mutual Aid and Assistance for Fires, Emergency Medical Services and Search and Rescue between the National Park Service and York County as attached hereto and approved as to form by the County Attorney.

Item No. 7. APPROVAL OF PROCUREMENT ACTION: Resolution R03-120

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AGREEMENTS FOR CONSTRUCTION OF THE
BARCROFT FORCE MAIN REPLACEMENT PROJECT; LAND-
SCAPE ENHANCEMENTS FOR THE ROUTE 199 CORRIDOR,
AND ROOF REPLACEMENT FOR FIRE STATION ONE.

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of July, 2003, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Barcroft Force Main Replacement Project	\$141,256
Landscape Enhancements	207,580
Roof Replacement: Fire Station #1	81,000

Item No. 8. 2003 REVENUE SHARING PROJECTS: Resolution R03-121

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A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AGREEMENTS WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE ADMINISTRATION OF THE REVENUE SHARING PROJECTS APPROVED FOR YORK COUNTY BY ACTION OF THE COMMONWEALTH TRANSPORTATION BOARD FOR FY2003 AND TO APPROPRIATE VDOT REVENUE SHARING FUNDS AND OTHER CONTRIBUTIONS FOR SAID PROJECTS

WHEREAS, the Virginia Department of Transportation (VDOT) has approved Revenue Sharing Program allocations for projects for: Darby Road/Route 17 drainage improvements, Moore's Creek Drainage Area improvements, Brandywine drainage improvements, and Route 171 streetscape improvements; and

WHEREAS, the County has pledged and appropriated matching funds for these projects; and

WHEREAS, in accordance with Revenue Sharing Program guidelines, the County may administer and implement eligible projects or may opt for administration and implementation by VDOT.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of July, 2003, that the County Administrator be, and he is hereby, authorized to execute such agreements between York County and the Commonwealth of Virginia Department of Transportation as are necessary to provide for the implementation of the above-noted projects, said agreements to be approved as to form by the County Attorney.

BE IT FURTHER RESOLVED that Revenue Sharing funds in the total amount of \$243,000 to be received from the Virginia Department of Transportation for the projects, and \$19,500 to be received from the Kiln Creek Homeowners Association be, and hereby are, appropriated in the County Capital Fund.

Item No. 9. REFUND OF TAXES ERRONEOUSLY ASSESSED: Resolution R03-112

A RESOLUTION TO AUTHORIZE PAYMENT OF A REFUND OF BUSINESS PERSONAL PROPERTY TAX TO TOWN & COUNTRY CLEANERS, INC.

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Town & Country Cleaners, Inc. has made application to the Commissioner of the Revenue for a refund of a portion of the business personal property taxes paid in 2000, 2001 and 2002, due to the erroneous inclusion of the company's leased equipment in with their owned equipment listing; and

WHEREAS, the Request for Tax Refund has been approved and recommended by the Commissioner of the Revenue, the Treasurer, and the County Attorney.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of July, 2003, that the Treasurer is authorized to refund to Town & Country Cleaners, Inc. business personal property taxes in the amount of \$5,193.20, plus accrued interest in the amount of \$670.71, for a total refund of \$5,863.91.

Item No. 10. REQUEST FOR APPROVAL FOR TAX REFUND: Resolution R03-115

A RESOLUTION TO AUTHORIZE A TAX REFUND TO THE DAILY PRESS, INC.

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, The Daily Press, Inc. has made a proper request for a tax refund for intangible personal property erroneously assessed as machinery and tools; and

WHEREAS, the Commissioner of the Revenue, the Treasurer, and the County Attorney have recommended that the request for a tax refund, with interest, be granted for the tax years 2000, 2001, and 2002, in the total amount of \$3,289.42.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of July, 2003, that the Treasurer is authorized to refund to The Daily Press, Inc. personal property taxes for the tax years 2000, 2001, and 2002, in the total amount of \$3,289.42, including accrued interest.

NEW BUSINESS

DISSOLUTION OF JOINT SANITARY BOARD BETWEEN JAMES CITY COUNTY AND YORK COUNTY

Mr. McReynolds explained the purpose of proposed Resolution R03-116 to dissolve an agreement between Sanitary District No. 1 of York County and Sanitary District No. 1 of James City County.

Mr. Barnett further discussed the reasons to dissolve the agreement.

Mrs. Noll then moved the adoption of proposed Resolution R03-116 that reads:

A RESOLUTION TO DISSOLVE AN AGREEMENT BETWEEN SANITARY DISTRICT NO. 1 OF YORK COUNTY AND SANITARY DISTRICT NO. 1 OF JAMES CITY COUNTY

WHEREAS, the respective Boards of York County and James City County entered into an agreement dated October 20, 1960, subsequently amended by agreements dated November 12, 1962, and August 8, 2000, ("the agreement") whereby the two jurisdictions entered into an agreement on behalf of sanitary districts located in each jurisdiction for the purpose of jointly operating a sewage disposal plant and agreed to the manner by which property would be acquired and utilized in connection with Sanitary District No. 1 of York County and Sanitary District No. 1 of James City County, and provided further for the operation of the sewage disposal facilities by means of a joint board ("the joint board") to be appointed by the governing bodies of each jurisdiction; and

WHEREAS, each respective jurisdiction has been operating their own sanitary sewer facilities independently for years now, and the joint operation of the referenced sewage disposal plant has ceased; and

WHEREAS, the James City Service Authority operates a pump station in James City County known as Pumping Station B which receives an estimated 58% of its flows of sewage from York County; and

WHEREAS, York County has agreed to compensate James City County 50% of the operation and maintenance cost of the station;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of July, 2003, acting as the Board for the York County Sanitary Sewer District No. 1, and in cooperation with the Board of Supervisors of James City County, hereby dissolves the above-referenced joint board and authorizes the County Administrator, York County, Virginia, to execute such agreements as may be necessary to accomplish that end, any such agreement to provide, however, for the continued receipt of sewage flows by Pumping Station B and a contribution to be made by York County to James City County in the amount of \$8,500.00 in

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the first year of the agreement, such amount to be increased annually thereafter to an amount which shall be equal to one-hundred three percent (103%) of the sum paid in the previous year, any such agreement to be substantially in the form as that draft agreement attached to the memorandum of the County Administrator dated June 26, 2003, and to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Wiggins, Burgett
Nay: (0)

NEW QUARTER PARK ENTRANCE ROAD

This item was removed from the agenda.

Meeting Adjourned. At 8:34 p.m. Chairman Burgett moved that the meeting be adjourned sine die.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Shepperd, Burgett
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors